



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 24 1995

OFFICE OF
THE ADMINISTRATOR

APR 20 1995

Nancy J. Marvel
Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Lahaina Wastewater Reclamation Facility
Docket Number: HI595001
Appeal Number: UIC 95-1

Dear Ms. Marvel:

Enclosed is a petition dated April 13, 1995 (received April 18, 1995) asking the Environmental Appeals Board to review Region IX's UIC permit determination in this case. The petition was filed by Charles G. Jencks, Director of Public Works and Waste Management, of Wailuku, Maui, HI.

★ To assist the Environmental Appeals Board in deciding whether the matters raised by petitioner should be reviewed, please have your staff prepare a response that addresses petitioner's contentions and whether petitioner has satisfied the requirements for obtaining review under 40 CFR §124.19. Include a certified index of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original and one copy of these materials no later than June 5, 1995, and send a copy of the response and the certified index to petitioner.

→ Please note that all submissions, including the materials due by June 5, 1995, shall reference the appeal number above and are to be filed with the Environmental Appeals Board, see 57 Fed. Reg. 5320 (Feb. 13, 1992). Submissions made by mail shall be sent to the address indicated below:

U.S. Environmental Protection Agency
Environmental Appeals Board, 1103B
401 M Street, SW
Washington, DC 20460

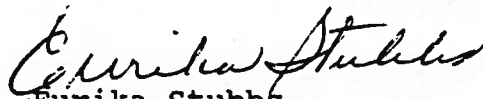
Submissions made by hand delivery shall be made at the following address:

U.S. Environmental Protection Agency
Environmental Appeals Board
Westory Building
607 14th Street, NW
Suite 500
Washington, DC 20005

By copy of this letter is being sent to the petitioner as notification of these filing requirements. The office on 607 14th Street N.W. is open for business during the hours of 8:00 A.M. to 4:30 P.M., excluding weekends and federal holidays.

Thank you for your attention to this matter.

Sincerely yours,


Eurika Stubbs
Clerk of the Board

Enclosure

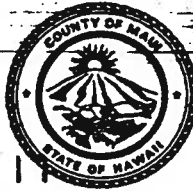
cc w/o encl: Charles G. Jencks, Director
County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Maui, HI 96793

w/encl: Loretta Barsamin, Chief
Drinking Water Protection Branch
US EPA, Region IX, W-6
75 Hawthorne Street
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BRIAN HASHIRO, P.E.
Highways Division

ENVIRONMENTAL APPEALS BOARD
**DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT**

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

CERTIFIED MAIL Z 031 744 222
RETURN RECEIPT REQUESTED

April 13, 1995

U.S. Environmental Protection Agency
401 M Street S.W.
Mail Code 1103B
Washington D.C. 20460

Attention: Environmental Appeals Board

To Whom It May Concern:

**SUBJECT: MAUI COUNTY, DEPT OF PUBLIC WORKS UIC CLASS V PERMIT
LAHAINA WASTEWATER RECLAMATION FACILITY
PERMIT NO. HI595001**

The County of Maui wishes to petition the Environmental Appeals Board to review the following conditions of the final decisions for the subject permit. This appeal is made in accordance with 40 CFR Sections 124.15 to 124.20.

The County of Maui requested to drill back-up injection wells as a part of the subject UIC permit application. The request for back-up wells was made to comply with the Hawaii Administrative Rules 11-62-25, that requires 100% back-up capacity for subsurface disposal systems. The request for the back-up wells was denied by EPA. The denial puts the County of Maui in violation of Hawaii Revised Statutes.

The conditions requested for review were discussed during the draft permit process and are recorded in the Final Responsiveness Summary for Public Comment Period on EPA UIC Draft Permit No. HI595001. The County of Maui requests that the following conditions be reviewed:

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- 3(a) tap prior to the gravity flow system and the wellhead for the purpose of obtaining representative samples of the injection fluids.

STATEMENT OF REASONS SUPPORTING REVIEW:

This condition was discussed in Comment No. 34. Region IX personnel agreed in their response that the County of Maui's recommended sample point, the effluent distribution box, is approved and would be reflected in the final permit.

2. Part II Page 6 of 19

- 3(c) four additional monitoring wells to satisfy injected fluid monitoring program requirements. The permittee shall submit a construction workplan with details, locations and depths of the wells to the EPA within one-hundred and twenty (120) days of the effective date of this permit; the permittee shall construct the four monitoring wells within one (1) year of the effective date of this permit; and the permittee shall provide all records of logging, details, locations and other subsequent test data, to the EPA within sixty (60) days of completion of construction. The workplan should be developed with input from the West Maui Advisory Committee.

STATEMENT OF REASONS SUPPORTING REVIEW:

The County of Maui requests that the requirement for this condition be reviewed and rescinded from the permit.

your job This request is based on the fact that the region has not demonstrated that the existing effluent injection wells are impacting the near shore waters or claimed USDWs. With the County of Maui's limited funding resources, it is not prudent for the County to fund speculative activities. Also, the condition requires additional sampling and monitoring that will impact the abilities of the Wastewater Reclamation Division's Central Laboratory. The County of Maui suggests that this condition, if warranted, be funded and carried out as an activity of the West Maui Watershed Program. *not our job*

This condition was discussed in Comment No. 14. Region IX personnel indicated in their response that this condition will not be dropped from the final permit, and any unresolved issues will be addressed at the public information workshop.

Region IX personnel also indicated that the construction of four additional monitoring wells (locations and depths to be determined) has been placed in the permit with the sole purpose to delineate the extent of the injected wastewater plume and its effects on the USDWs.....

In Comment No. 17 Region IX personnel acknowledges that the UIC program protects USDWs and cannot address ecological consequences, such as algal blooms, unless a hydrological nexus is established.

It is the County of Maui's belief that the region has not established the necessity for the monitoring wells. The issue of monitoring wells was discussed at the onset as a method to trace the directional flow of the effluent. It was agreed by the scientific community (University of Hawaii), EPA, DOH, and the County of Maui that a dye study would be the most appropriate method to determine the fate of the effluent.

The approach of using monitoring wells was discussed and it was concluded that the challenge of properly locating monitoring wells would be like looking for a "needle in a haystack." This method was, therefore, removed from consideration.

A study titled, "Effluent Fate Study Lahaina Wastewater Reclamation Facility Maui, Hawaii," was performed by Tetra Tech, Inc. The results from the study concluded that effluent was not entering the ocean in the near shore waters as was suspected (See Exhibit A). The study monitoring period lasted for 100 days with dye being injected into the most permeable effluent injection well (Well No. 2). Based on the results of the study it can be deduced that the effluent is not rising to the surface of the ground water table and discharging at the shoreline. These results are also supported by Department of Health monitoring of the near shore waters where nutrient levels were not found to be elevated fronting the facility.

Case did occur however GW may have been

Public information discuss unresolved issues that never came up.

3 only refine when area coordination

4 Four back to county - attorney leads w still - 1100s to

agreed

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D. 1 Injection Well Monitoring Program Samples and measurements shall be representative of the monitored activity. The permittee shall utilize the applicable analytical methods described in Table I of 40 CFR 136.3, or in Appendix III of 40 CFR 261, or in certain circumstances, other methods that have been approved by the EPA Administrator. Reporting shall consist of average, maximum, and minimum daily and monthly values for flow rate, temperature and volume.

Injection rate/flow rate shall be measured in the supply line immediately before the well head.

STATEMENT OF REASONS SUPPORTING REVIEW:

This condition was discussed in Comment No. 34. The region agreed in their response that temperature monitoring was not required and the permit would be revised.

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2.(a)(i) Grab samples shall be collected at the sampling valve at the wellhead and used for laboratory analysis of physical and chemical characteristics.

STATEMENT OF REASONS SUPPORTING REVIEW:

This condition was discussed in Comment No. 34. The region agreed in their response that the County of Maui's recommended sample point, effluent distribution box, is approved and would be reflected in the final permit.

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2.(b)(i) Grab samples shall be collected at four monitoring well stations (locations and depths to be determined) and used for laboratory analysis of chemical characteristics.

